

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHRISTOPHER BASILE,

Plaintiff,

- against -

08-CV-7549 (CS)(GAY)

SHERRY WIGGS, THE VILLAGE/TOWN OF DOBBS  
FERRY, NEW YORK, THE POLICE DEPARTMENT  
FOR THE VILLAGE/TOWN OF DOBBS FERRY, NEW  
YORK, THE BOROUGH OF POINT PLEASANT  
BEACH, NEW JERSEY, THE POLICE DEPARTMENT  
OF POINT PLEASANT BEACH, NEW JERSEY, JOHN  
DOES 1-10, individually and in their capacities as  
employees of the Police Department, and JOHN DOES  
11-20, individually and in their capacities as employees  
of the Police Department for the Borough of Point  
Pleasant Beach, New Jersey,

Defendants.

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

-----X  
Appearances:

Christopher Basile  
Brooklyn, New York  
*Pro Se Plaintiff*

William Martin, Esq.  
Martin & Colin, P.C.  
White Plains, New York  
*Attorney for Defendant Sherry Wiggs*

Lewis R. Silverman, Esq.  
Rutherford & Christie, LLP  
New York, New York  
*Attorney for Defendants The Village/Town Of Dobbs Ferry New York and The Police  
Department For The Village/Town Of Dobbs Ferry New York*

Kevin B. Riordan, Esq.  
Gertner Riordan LLC  
Lakewood, New Jersey  
*Attorney for Defendant Borough of Point Pleasant Beach, New Jersey*

Seibel, J.

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge George Yanthis dated May 1, 2009. (Doc. 36.) Judge Yanthis recommends that Plaintiff’s motion for entry of a default judgment against Defendants Village/Town of Dobbs Ferry and Police Department for the Village/Town of Dobbs Ferry, pursuant to Fed. R. Civ. P. 55(b)(2), be denied.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific” and “written,” and submitted “[w]ithin 10 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1)(C).

Where a party submits timely objections to a report and recommendation, the district court reviews the parts of the report and recommendation to which the party objected under a *de novo* standard of review. 28 U.S.C. § 636(b)(1)(C); *see* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). The district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record. *See White v. Fischer*, No. 04-CV-5358, 2008 WL 4210478, at \*1 (S.D.N.Y. Sept. 12, 2008)<sup>1</sup>; *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); Fed. R. Civ. P. 72 advisory committee’s note (b). The clearly-erroneous

---

<sup>1</sup> Plaintiff will be provided with copies of all unreported cases cited in this Order.

standard also applies when a party makes only “conclusory or general objections, or simply reiterates his original arguments.” *Barratt v. Joie*, No. 96-CV-324, 2002 WL 335014, at \*1 (S.D.N.Y. Mar. 4, 2002).

Plaintiff’s time to object to the R&R has run and he has filed no objections. I discern from the face of the record no clear error in the recommendation of the R&R, and accordingly it is adopted as the decision of the Court.

The motion for entry of a default judgment is denied.

**SO ORDERED.**

Dated: May 29, 2009  
White Plains, New York

  
\_\_\_\_\_  
CATHY SEIBEL, U.S.D.J.